

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Judge Jesty,

Civil No. 24-2885 (DWF/TNL)

Plaintiff,

v.

Every Single Online Pornographer &
Pimp, *From Small Fry to Large
Corporation*, The Absolutely Abhorrent
Government of the USA for Profiting
from a Corrupted Tax Base and
Corrupting the U.S. Constitution in a
War-Like Manner, and Anybody Who
Has a Problem With Me Calling the End
of an Internet Era of Psychological
Warfare Before It Really Takes Off,

ORDER

Defendants.

This matter is before the Court on Plaintiff Judge Jesty's (1) Complaint (Doc. No. 1) and (2) Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2 ("IFP Application")). For the following reasons, the Court dismisses this action as frivolous and denies the IFP Application as moot.

This action commenced on July 22, 2024, when the Court received the Complaint. (See Docket.) The named Defendants, such as they are, can be seen in the caption above.¹ The Complaint is largely incoherent. Jesty asserts that Defendants are liable to

¹ The caption does not include a puzzling inscription contained in the Complaint's labelling of the Defendant listed as "Every Single Online Pornographer & Pimp from Small Fry to Large Corporation." (See Compl. 2.)

him based on the “U.S. Constitution” and the “Laws of Nature.” (*See* Compl. 3.) But there is no discussion of how or why. Indeed, the Complaint’s substantive allegations consist of a series of puzzling statements and observations that—as best as the Court can tell—generally suggest Jesty’s unhappiness with the existence of online pornography. (*See id.* at 4.)

Rather than pay this action’s filing fee, Jesty submitted the IFP Application, which suggests that as a financial matter he qualifies for *in forma pauperis* status. But under the federal statute governing IFP proceedings, “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss [a case proceeding IFP] at any time if the court determines that . . . the action . . . is frivolous” 28 U.S.C. § 1915(e)(2).

A case is frivolous when “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also, e.g., Jones v. Norris*, 310 F.3d 610, 612 (8th Cir. 2002) (citing *Neitzke*). Of particular relevance here, courts in this District regularly hold that when a complaint fails to allege what a defendant did that causes liability, the pleading lacks an arguable basis in fact—so is frivolous—for that defendant. *See, e.g., Johnson v. Sullivan*, No. 23-CV-2249 (KMM/LIB), 2023 WL 9507608, at *2 (D. Minn. Nov. 29, 2023) (citing cases), *report and recommendation adopted*, 2024 WL 406587 (D. Minn. Feb. 2, 2024); *Jacobs v. Discovery ID Media Co.*, No. 23-CV-0222 (JWB/ECW), 2023 WL 3309658, at *2 (D. Minn. Mar. 31, 2023) (same), *report and recommendation adopted*, 2023 WL 3306509 (D. Minn. May 8, 2023). That point is dispositive here: the Complaint here has simply no allegations about any of

the named Defendants (even if one uses “named Defendants” loosely, in line with Jesty’s idiosyncratic caption).

The Court therefore dismisses this action without prejudice as frivolous. Given this decision, the Court will also deny the IFP Application as moot.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. This action is **DISMISSED WITHOUT PREJUDICE** as frivolous under 28 U.S.C. § 1915(e)(2).

2. Plaintiff Judge Jesty’s Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. [2]) is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 14, 2024

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge